

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITIFINANCIAL MORTGAGE
COMPANY, INC.,

Plaintiff,

File No. 1:05-CV-855

v.

HON. ROBERT HOLMES BELL

JAMES R. BRANN, jointly and
severally, et al.,

Defendants.

AMENDED MEMORANDUM OPINION AND ORDER

This matter was removed by Defendants to this Court from the Fifth District Court for Berrien County, Michigan. It appears that this case was filed by Plaintiff in state court in order to obtain possession of property subject to foreclosure. After reviewing the notice of removal and subsequent filings by both Plaintiff and Defendants, it does not appear that this case is within the subject matter jurisdiction of this Court. Section 28 U.S.C. § 1332 grants district courts original jurisdiction over diversity cases involving over \$75,000. 28 U.S.C. § 1332. There has been absolutely no showing that the amount in controversy in this case exceeds the jurisdictional threshold. Defendants have done nothing more than make conclusory allegations regarding subject matter jurisdiction. Although the parties may be diverse, there is no evidence demonstrating that the amount in controversy is over \$75,000.

Therefore, the Court does not have subject matter jurisdiction over what clearly appears to be a state court matter. Accordingly,

IT IS HEREBY ORDERED that this case is **REMANDED** to the Fifth District Court of Berrien County, Michigan.

Date: February 24, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE